

**6397. Misbranding of barium rock spring water. U. S. \* \* \* v. Barium Springs Co., a corporation. Plea of guilty. Fine, \$10 and costs.**  
(F. & D. No. 8500. I. S. No. 2406-m.)

On January 12, 1918, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barium Springs Co., a corporation, Charlotte, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 9, 1917, from the State of North Carolina into the State of Georgia, of a quantity of an article labeled in part, "Barium Rock Spring Water," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

## IONS.

	Milligrams per liter.
Silica ( $\text{SiO}_2$ )-----	40.5
Sulphuric acid ( $\text{SO}_4$ )-----	33.4
Bicarbonic acid ( $\text{HCO}_3$ )-----	88.5
Nitric acid ( $\text{NO}_3$ )-----	0.0
Chlorin ( $\text{Cl}$ )-----	2.5
Calcium ( $\text{Ca}$ )-----	29.2
Magnesium ( $\text{Mg}$ )-----	3.4
Potassium (K) Sodium (Na) by difference-----	11.0
Barium ( $\text{Ba}$ )-----	0.0
	<hr/> 208.5

## HYPOTHETICAL COMBINATIONS.

	Grains per U. S. gal.	Milligrams per liter.
Sodium chlorid ( $\text{NaCl}$ )-----	0.24	4.1
Sodium sulphate ( $\text{Na}_2\text{SO}_4$ )-----	1.69	29.0
Magnesium sulphate ( $\text{MgSO}_4$ )-----	.98	16.8
Calcium sulphate ( $\text{CaSO}_4$ )-----	.03	0.5
Calcium bicarbonate ( $\text{Ca}(\text{HCO}_2)_2$ )-----	6.87	117.6
Silica ( $\text{SiO}_2$ )-----	2.36	40.5
	<hr/> 12.17	<hr/> 208.5

## CONTENTS.

Bottle 1, 2 quarts, 5 fluid ounces.  
Bottle 4, 2 quarts, 4 fluid ounces.  
Bottle 6, 2 quarts, 2 fluid ounces.  
Bottle 7, 2 quarts,  $4\frac{1}{2}$  fluid ounces.  
Bottle 8, 2 quarts, 3 fluid ounces.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements borne on the labels of the bottle falsely and fraudulently represented it as a treatment for rheumatism, eczema, catarrh, scrofula, ulcers, and calculi, as a nerve tonic, and as a treatment for erysipelas, diabetes and all skin diseases, nervous troubles, Bright's disease, and dandruff, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Barium Rock Spring Water," borne on the labels attached to the bottles, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was a water which contained barium;

and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a water which contained barium, whereas, in truth and in fact, it was a water which contained no barium. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*